

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 35656

STATE OF IDAHO,	)	2009 Unpublished Opinion No. 474
	)	
Plaintiff-Respondent,	)	Filed: May 22, 2009
	)	
v.	)	Stephen W. Kenyon, Clerk
	)	
SHAWN LAKE,	)	THIS IS AN UNPUBLISHED
	)	OPINION AND SHALL NOT
Defendant-Appellant.	)	BE CITED AS AUTHORITY
	)	

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Appeal from the District Court of the Sixth Judicial District, State of Idaho, Bannock County. Hon. Peter D. McDermott, District Judge.

Order denying I.C.R. 35 motion for reduction of sentence, affirmed.

Molly J. Huskey, State Appellate Public Defender; Diane M. Walker, Deputy Appellate Public Defender, Boise, for appellant.

Hon. Lawrence G. Wasden, Attorney General; Lori A. Fleming, Deputy Attorney General, Boise, for respondent.

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Before LANSING, Chief Judge, PERRY, Judge  
and GUTIERREZ, Judge

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PER CURIAM

Shawn Lake was charged with five counts of lewd conduct with a child under sixteen, I.C. § 18-1508, and pursuant to a plea agreement, pled guilty to one count and the state agreed to dismiss the other four counts. The district court sentenced Lake to a unified term of life imprisonment, with twenty-five years determinate. Lake filed an Idaho Criminal Rule 35 motion for reduction of sentence, which the district court denied. Lake appeals, contending that the district court abused its discretion by denying his Rule 35 motion.

A Rule 35 motion is a request for leniency which is addressed to the sound discretion of the sentencing court. *State v. Knighton*, 143 Idaho 318, 319, 144 P.3d 23, 24 (2006); *State v. Allbee*, 115 Idaho 845, 846, 771 P.2d 66, 67 (Ct. App. 1989). In presenting a Rule 35 motion, the defendant must show that the sentence is excessive in light of new or additional information

subsequently provided to the district court in support of the motion. *State v. Huffman*, 144 Idaho 201, 203, 159 P.3d 838, 840 (2007).

Applying the foregoing standards and having reviewed the record, we conclude that the district court did not abuse its discretion by denying Lake's Rule 35 motion for reduction of sentence. Accordingly, the order of the district court denying Lake's Rule 35 motion is affirmed.